

Application No. 10/779,681
Amendment dated March 28, 2008
Reply to Office Action of November 28, 2007

Docket No.: 0465-1747P

REMARKS

Claims 1, 4, 6-10, 13-23, 25-28, 35 and 38 are pending in this present application. By this Reply, claims 29-34, 36-37 and 39-40 have been cancelled without prejudice or disclaimer, and claims 35 and 38 have been amended. Claims 1, 13-14, 18-19 and 26 are independent.

Allowable Subject Matter

The Office Action states that claims 37 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The allowable subject matter of claims 37 and 40 have been incorporated into independent claims 35 and 38, respectively. Accordingly, it is respectfully submitted amended independent claims 35 and 38 are allowable.

Obviousness-Type Double Patenting Rejection

Claims 1, 4, 6-10, 13-23, 25, 26 and 27 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 7-16 of U.S. Patent No. 6,345,034. Claims 28-36, 38 and 39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 4 of U.S. Patent No. 6,345,034 in view of Applicant's admitted prior art of Marchel's criterion in the above '034 patent and U.S. Patent No. 5,917,791 of Tsuchiya et al. These rejections are respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants are herewith submitting a Terminal Disclaimer disclaiming the terminal portion of any patent granted on the present application which would extend beyond the expiration of U.S. Patent No. 6,345,034. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.